IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

MFA.No. 489 of 2001(B)

OP(MV).115/1996 of ADDL. DISTRICT COURT, THODUPUZHA DT. 7.11.2000.

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APPELLANT: PETITIONER

JOSEKUTTY, S/O.JOSEPH, AGED 26 YEARS,
MAILAKKAL HOUSE, ATTAPALLAM KARA,
KUMILY VILLAGE, PEERUMEDU TALUK.

BY ADV. SRI.ANIL S.RAJ
SMT.K.N.RAJANI
SRI.RADHIKA RAJASEKHARAN P.

RESPONDENTS: RESPONDENTS
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1. **SATHEESHKUMAR, S/O. GOVINDAN,**
PADAVARICAL HOUSE,
NELLITHANATHUMALA KARA,
KURICHITHANAM VILLAGE.

2. **MANAGING DIRECTOR, KERALA STATE ROAD**
TRANSPORT CORPORATION, THIRUVANANTHAPURAM.

3. **THOMAS VARKEY, MUCKUMKAL HOUSE KUMILY,**
IDUKKI.

4. **MAGIE THOMAS, MUCKUMKAL HOUSE,**
KUMILY IDUKKI.

5. **THE NEW INDIA ASSURANCE CO. LTD.,**
BRANCH , KATTAPPANA.

BY ADV. SRI.PMM.NAJEEB KHAN
SRI.JOHNSON.P.JOHN,SC KSRTC

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. KOSHY and K.P.BALACHANDRAN, JJ.

M.F.A. No. 489 of 2001

Dated this the 5th day of July, 2007

Judgment

Koshy, J.

A youngster, aged 21, met with an accident by which he sustained fracture left 6, 7, 8, 9 and 10 ribs with massive haemopneumothorax, fracture left clavicle, fracture both ileum. Spleen badly lacerated, stellate muscular, laceration of disphragmatic surface of right lobe or liver, three tears in the descending colon.

2. No certificate assessing permanent disability was produced. Tribunal awarded Rs.82,715/- with 12% interest from the date of application till its deposit. The application was filed on 14.2.1996. The award was passed only in 2000. The accident occurred on 17.7.1995. Considering the date of accident, rate of interest awarded, nature of injuries and also considering the fact that no permanent disability certificate was produced, we are of the opinion that no enhancement of compensation is needed as just and reasonable

compensation was awarded by the tribunal. Appeal dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

vaa

J.B. KOSHY AND
K.P.BALACHANDRAN, JJ.

M.F.A.NO.489/2001

JUDGMENT

Dated:5th July, 2007